

### REMARKS

Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37, 39, and 40 are pending. Claim 33 is herein amended.

Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31 and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,006,016 (Faigon).

The Applicants traverse this rejection.

The Applicants' claims define methods and systems for managing "an event toggling between first and second event states." In more detail, each of the Applicants' independent claims recites, in part, reporting "said event" only after one of its states is maintained for a predetermined amount of time. In addition, various dependent claims (e.g., 5, 9, 21, 29, and 37) further recite reporting the number of times the event toggled between first and second states. In this sense, the claimed invention as defined in the independent claims defines a qualitative aspect (i.e., reporting the toggling event only after a state is maintained for a predetermined amount of time) of the toggling event, and the claimed invention as defined in the various dependent claims defines both a qualitative aspect (i.e., reporting the toggling event only after a state is maintained for a predetermined amount of time) and a quantitative aspect (i.e., reporting a number of times the event toggled between first and second states) of the toggling event.

In contrast, Faigon is only quantitative in nature, in that Faigon's system counts the number of times a particular event occurs in a predetermined time. If the count threshold ("occurrence threshold") is achieved within the predetermined time ("time threshold"), then the fault is correlated and reported. This quantitative (event counting) focus is consistent throughout Faigon. See, for example: Abstract, Summary at col. 2, lines 56 to col. 3, line 3, and lines 50-58; Detailed Description at col. 7, lines 11-12, and col. 8, lines 13-15, and col. 11, lines 10-17, and col. 12, lines 33-36, and col. 13, lines 24-29 and lines 56-58, col. 14, lines 19-21, and col. 15, lines 24-26; and all 19 claims) At no time, however, does Faigon disclose or otherwise suggest determining or otherwise assessing the time that a given event state, *after having toggled from a previous state*, persists relative to a predetermined amount of time as variously recited in the Applicants' claims.

In the Advisory Action, the Examiner disagrees on this point, and characterizes Faigon as follows: “When the occurrence threshold is set to zero and the counter of occurrences in the generated fault report is also zero, the report would indicate that the event state was maintained for the time interval indicated in field 1007 of the fault rule (see Fig. 10). Therefore, the fault rule in Faigon is configurable to assess that a given event state persists for a predetermined amount of time.” (Advisory Action, page 2). The Applicants have once again reviewed Faigon and respectfully reaffirm their belief that there is no disclosure or suggestion for determining or otherwise assessing if a given event state, *after having toggled from a previous state*, persists for a predetermined amount of time. Rather, Faigon merely counts the number of times a particular event occurs in a predetermined time. More significantly, if Faigon’s occurrence threshold and occurrence counter are both zero as suggested by the Examiner, then such would indicate that no event occurred, and therefore there would be no report. Furthermore, if the occurrence counter is zero, then there is *no event toggling between first and second event states as recited in the Applicants’ claims*.

In more detail, Faigon generates a fault report only upon determining that a number of occurrences of an event state within the time threshold is greater than or equal to the occurrence threshold. (e.g., col. 2, line 64 to col. 3, line 3). This point is further demonstrated in Faigon’s figures. For instance, the method flow of Figures 14A-B require a state change or the “new trap” at 1402 is deleted in the case of a “toggle rule” (e.g., items 1405 and 1406 of Figure 14A, and items 1416, 1417, and 1419 of Figure 14B). Similarly, in the case of a “standard reduction rule”, the “occurrence counter” has to be greater than the “event threshold” for the reporting criteria to be met (items 1514, 1516, and 1518 of Figure 15). Thus, no reporting will occur if both the occurrence counter and the event threshold are both equal to zero (as suggested by Examiner’s hypothetical). The Applicants further submit that, even if the occurrence counter is incremented (at step 1508), the duration of an associated toggled state is not monitored. Other flows disclosed or otherwise suggested by Faigon equally rely on state changes to commence a quantity-based event reporting procedure. In any such cases, the duration of a toggled event state is not monitored or otherwise determined for purposes of event reporting.

In addition, the Applicants respectfully submit that Faigon, as evidenced by the various figures discussed herein, was not designed to operate under conditions where the occurrence counter and the event threshold are both equal to zero (as suggested by Examiner's hypothetical). Thus, modifying Faigon's system to do so would appear to be improper under MPEP § 2143.01, which states that "the proposed modification cannot change the principle of operation of a reference." The underlying principle of operation of Faigon is event counting. By holding the event threshold and occurrence counter to zero, this principle of operation is defeated.

For at least these reasons, the Applicants respectfully submit that Faigon does not disclose each and every limitation as recited in the Applicants' claims, and therefore cannot anticipate under 35 U.S.C. §102(b). As such, the Applicants respectfully request the Examiner's reconsideration and withdrawal of this rejection.

Claims 33-35, 37, 39, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faigon in further view of U.S. Patent 6,414,595 (Scrandis).

The Applicants traverse this rejection.

Without conceding as to the properness of the combination of Faigon and Scrandis, the Applicants note that Scrandis suffers the same deficiency as Faigon, in that Scrandis discloses a quantitative technique that counts alarms. The Applicants can find no occurrence where Scrandis discloses or otherwise suggests determining or otherwise assessing the time that a given toggled event state persists relative to a predetermined amount of time as variously recited in any of the Applicants' claims.

Because neither Faigon nor Scrandis discloses or suggests each and every limitation as recited in the Applicants' claims, their combination cannot render the claimed invention obvious under 35 U.S.C. §103(a). As such, the Applicants respectfully request the Examiner's reconsideration and withdrawal of this rejection.

**AMENDMENT AFTER FINAL OFFICE ACTION**

Serial Number: 10/733,780

Filing Date: December 11, 2003

Title: System and Method for Providing Event Hysteresis in Network Management Systems

**Page 11**

TCM127

Favorable action is solicited. The Examiner is kindly invited to telephone the undersigned attorney should there be any remaining issues.

RESPECTFULLY SUBMITTED,

July 10, 2008

By: /Donald J. Perreault/  
Donald J. Perreault  
Reg. No. 40,126  
Attorney for Applicants  
Grossman, Tucker, Perreault & Pfleger, PLLC  
55 South Commercial Street  
Manchester, NH 03101  
Phone: (603)668-6560; Fax: (603)668-2970